

Daniel Szalkiewicz
& Associates

23 West 73rd Street
Suite 102
New York, NY 10023

T: (212) 706-1007
F: (646) 849-0033
lawdss.com

July 9, 2023

Via ECF and Email

United States Magistrate Judge Edward S. Kiel
Frank R. Lautenberg U.S. Post Office & Courthouse Building
2 Federal Square
Newark, NJ 07102

Re: John Doe v. Baila Sebrow
United States District Court, District of New Jersey
Case No.: 2:21-cv-20706

Dear Magistrate Kiel,

Please accept this letter as a request to file a motion for sanctions based on defendant Sebrow's July 7, 2023, flagrant violation of this court's confidentiality order (DE 43). Defendant has now violated the Court's Pseudonym Order four times.

Briefly reciting the defendant's contemptuous conduct, on February 14, 2023, the court issued an order granting the plaintiff's motion for leave to proceed under a pseudonym and directed that "any reference to Plaintiff within the docket will be made accordingly as John Doe hereafter" (DE 37). Almost immediately thereafter, on February 16, 2023, the defendant's counsel filed a letter wherein he utilized the plaintiff's name 20 times. He also attached several exhibits that included the plaintiff's name, children's names, and address. That same day the defendant's counsel filed yet another letter wherein he utilized the plaintiff's first name several times in an exhibit and also referenced the plaintiff's children by their first and last name and included the plaintiff's full address. In response, our office filed a motion to seal, which was granted on February 21, 2023 (DE 43). The Court also issued a further order stating, "defendant is directed to use a pseudonym for plaintiff's name -- including first, middle, and last name -- in all filings."

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On May 24, 2023, the Court issued an order specifically “warning defendant’s counsel that further violation of the Pseudonym Order shall result in monetary sanctions and all other appropriate sanctions against him, including but not limited to, referral to the relevant disciplinary board” (DE 56).

The warning apparently was insufficient. On June 20, 2023, the defendant’s counsel filed another letter and again included Plaintiff’s first name in an exhibit (DE 65-1). On June 21, 2023, the Court sealed the exhibit and issued an order again warning the defendant’s counsel that “[t]he Court will address whether additional sanctions are to be imposed on defendant’s counsel for his continued violation of the Order” (DE 67).

Then, on July 7, 2023, the defendant’s counsel uploaded an Amended Answer and Counterclaim (DE 73). The counterclaim contained three causes of action, two of which were already dismissed by this Court. Worse yet, the defendant’s counsel once again utilized plaintiff’s full name three times and surname an additional ten times. This letter ensues.

This entire action is based on the plaintiff’s efforts to preserve his reputation after an onslaught of attacks by the defendant. For three years the plaintiff was harassed, harmed, and placed in fear that his life would be ruined by the defendant’s lies. Defendant warned the plaintiff multiple times that if he attempted to enforce his rights in court, she would destroy him and further publicize her false statements. Defendant’s actions in completely disregarding the court order

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cannot go ignored. Plaintiff went through the time and expense of filing the motion to proceed using a pseudonym (which defendant did not oppose) and defendant's counsel has actively chosen to ignore the order. One time may be a mistake but four violations is unfathomable, the latest being the most heinous. Plaintiff should not need to continuously monitor the defendant's filings to ensure that she is following a court order, yet that is exactly what is happening.

Respectfully submitted,

DANIEL SZALKIEWICZ & ASSOCIATES, P.C.
/s/ Daniel S. Szalkiewicz

By: Daniel S. Szalkiewicz, Esq.
daniel@lawdss.com